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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Reneau Landers Smith,
10 Plaintiff,

11 v.

12 Community Bridges Incorporated,
13 Defendant.
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No. CV-22-01974-PHX-DLR

ORDER

15 This matter recently has come before the Court. The parties are advised, pursuant to
16 LRCiv 12.1(c), that motions to dismiss under Federal Rule of Civil Procedure 12(b)(6) and
17 motions for judgment on the pleadings under Federal Rule of Civil Procedure 12(c) are
18 discouraged if the defect(s) in the complaint can be cured by a permissible amendment. In
19 an effort to avoid unnecessary or multiple motions to dismiss or for leave to amend,

20 **IT IS ORDERED** as follows:

21 1. Before the filing of any motion under Rule 12(b)(6) or 12(c), the parties must
22 confer in good faith to determine whether the motion can be avoided. **The duty to confer**
23 **also applies to parties appearing without an attorney.** Defendant shall explain to
24 Plaintiff the reasons why Defendant believes the complaint fails to state a claim for relief.
25 The parties shall discuss whether any of the deficiencies identified by Defendant can be
26 cured through an amended complaint. If the parties agree on this point, Plaintiff shall file
27 an appropriate amended complaint in order to avoid the filing of an unnecessary motion to
28 dismiss.

1 2. Notwithstanding Plaintiff's belief that the complaint is sufficient to state a claim
2 for relief, or Defendant's belief that the complaint is not curable, if Plaintiff believes that
3 an amendment can cure or address some or all of the purported deficiencies identified by
4 Defendant, Plaintiff is strongly encouraged to file an amended complaint containing all
5 further allegations Plaintiff could make before Defendant files a motion to dismiss or for
6 judgment on the pleadings. This would avoid the need for Plaintiff to seek leave to amend
7 should the Court determine that the motion to dismiss or for judgment on the pleadings is
8 well taken.

9 3. As an alternative to the procedure outlined in paragraph 2, if Defendant files a
10 motion under Rule 12(b)(6) or 12(c) notwithstanding Plaintiff's belief that further
11 amendment of the complaint can cure the alleged defect(s), Plaintiff must submit, no later
12 than the time Plaintiff files a response to the motion, a proposed amended complaint that
13 complies with LRCiv 15.1(a) and contains all further allegations Plaintiff could make. In
14 the event a motion to dismiss or for judgment on the pleadings is granted in any part, no
15 leave to amend the complaint will be granted beyond what is offered in the proposed
16 amended complaint.

17 4. Any motion under Rule 12(b)(6) or 12(c) must certify that the parties conferred
18 in good faith but were unable to agree that the complaint is curable by a permissible
19 amendment. Motions that do not contain the required certification may be stricken by the
20 Court.

21 5. The parties shall endeavor not to oppose motions to amend filed prior to the
22 Scheduling Conference or within the time set forth for amending pleadings and joining
23 parties in the Rule 16 Scheduling Order.

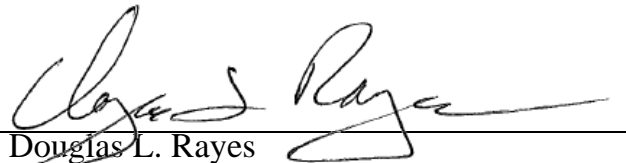
24 6. Any party appearing without an attorney shall comply with the Local Rules and
25 the Federal Rules of Civil Procedure. Such parties are advised of the free Self-Service
26 Clinic at the Phoenix courthouse. For information on the clinic and the Handbook for Self-
27 Represented Litigants, visit the Court's internet site at www.azd.uscourts.gov. Proceed to
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1 the box entitled Information for *Those Proceeding Without an Attorney* and then the link
2 entitled Federal Court Self-Service Clinic-Phoenix.

3 6. Plaintiff shall serve a copy of this Order upon any Defendant that has not been
4 served or appeared and file notice of service with the Court.

5 Dated this 29th day of November, 2022.

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Douglas L. Rayes
United States District Judge